

Washington County Land Use Authority Work Meeting
February 23, 2010
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, February 23, 2010 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Mike Stucki. Commissioners present: Dave Everett, Kim Ford, Julie Cropper, Doug Wilson, Joann Balen, and Rick Jones. Also present: Deon Goheen, Planning & Zoning Administrator; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; John Willie, Senior Planner; Todd Edwards, County Engineer; and Darby Klungervik, Planning Secretary.

Excused: Debora Christopher

Audience attendance: William Mathisen, Chris Mathisen, Bob Mason, Richard Kohler and Joan Ford

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item # 1. STAFF COMMENTS Review staff comments for each item listed below. Staff initiated

Item # 2. CONDITIONAL USE PERMIT EXTENSION. Request permission for a charity ride Tour De St. George to be held on March 12, 14 and 27, 2010. The route will loop from St. George up Hwy 18 to Veyo then back via the road from Veyo to Gunlock and Hwy 91 back to St. George. Spin Geeks, LLC/Chris Mathisen, applicant.

The Planner informed the commission that this Tour de St. George series has been running since 2005, as a charity ride to raise funds for Big Brothers and Sisters. This planning commission reviewed this item in 2005, 2006 & 2009. They are expanding on the days of the ride for a Tour del Sol Race, with a youth ride on Friday, March 12th, 2010; an adult ride on Sunday, March 14th, 2010; and a combined youth & adult ride (Tour de St. George) on Saturday, March 27th, 2010. This is a 100-mile recreational bicycle ride, with approximately 300 - 400 riders. These rides and the youth race are sponsored by the City of St. George and a donation will be made to the Police Department. They have taken care of all the community approvals. The route will impact some County roads and they will be doing a loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 back to St. George. There will be two sanitary facilities at each rest station. The County Sheriffs Department has been notified of this event and the County has been listed as a beneficiary on the liability insurance policy. The commission may want to consider granting permanent status. There have been no complaints on this item.

Chris Mathisen, representing Spin Geeks, explained the Tour del Sol event taking place on March 12th and 14th is not just a ride but a race. He showed a map of the Tour del Sol route, in which the youth will race. Mr. Mathisen informed the commission that St. George city sponsors

this race and they are the beneficiary as well. He said they will have five people acting as security and his son William is in charge; they will also have sheriffs as needed. He described the race in detail saying it will begin in Ivins and goes past Gunlock and up to Veyo. He will ride on his motorcycle in front of the youth with a sign that says race in progress and his son will be behind them. In response to the commission, he said the roads will still be open and he didn't think it would be necessary to close them. Mr. Mathisen stated the youth will stop at the top of the hill in Veyo and the entire race should only take them about an hour and a half. He also informed the commission that 911 will be on walkie talkies for medical emergencies and ambulances are not required by UFC. It was clarified that March 12th and 14th will be the youth race and March 27th will be a ride for everyone. He said the March 27th ride has a good turn out, having 590 participants last fall and 300 last spring. If the race is successful they will donate a bike to St. George City Police Department.

The Planner informed the applicant that the fall race has not been permitted, so he will need to get a permit for that event as well.

The applicant said he will do that at a later date.

Facts/Findings:

- It is consistent with other events the commission has reviewed and approved
- Adequate insurance will be provided and the county will be covered
- They have properly notified the Sheriff's office
- The safety issues have been adequately addressed

Motion was made by Commissioner Everett to recommend approval of the conditional use permit extension, for the Tour del Sol Race and the Tour de St. George Ride, with the stipulation that insurance is provided covering all three dates and a letter obtained from the Sheriff's office, also covering all three dates, based on the facts and findings. Commissioner Balen seconded the motion. Six (6) commissioners voted aye.

Item # 3. WORK MEETING: DISCUSSION ITEM/ORDINANCE ADOPTION. Review and recommend implementation of pending Land Use Ordinance adoption Wind Energy Systems and Facilities to establish minimum requirements and regulations on such systems. County initiated

The Planner reminded the commission that at the previous work meeting in January the commissioners reviewed Iron County's changes to their ordinance, which were voted on by County Commission on Monday the 25th of January. The commission may recall that the Washington County Commission has a concern that we will have a proliferation of individual units for personal use. Mr. Gerald Sieren provided a copy of his recommendations for the County to adopt and the Commission reviewed each item, deleting several. This will be combined with the revised version of what was taken from the Iron County Ordinance on small wind energy systems. The commission will need to review revised documentation and look at possible changes to Iron County's ordinance on large commercial use, and overlays. Staff felt that if overlays are considered, we may want to start with the layout of State Wind energy map, which showed areas west of Bloomington below Jarvis Peak. As reviewed previously, Washington

County will be adopting a wind energy ordinance, whereas, there is more interest and tax incentives in developing “green energy resources”, as the county population grows and develops. The chairman made a statement at the October 9, 2009 meeting announcing the intent to implement the ordinance, which allows for a six (6) month moratorium on Wind Energy and we are getting close to our 5th month of review.

The commission discussed windmills on top of houses and the placement thereof and decided they would permit them on top of houses and would allow the homeowner to decide on the location, as long as the fall zone requirements can be met. It was also decided that the fall zone would also dictate tower height and placement.

Commissioner Ford expressed concern about having a windmill on top of the house that is not tall enough to be effective.

Building Official Kurt Gardner did not think it was a good idea to set minimum height requirements.

Bob Mason, a licensed engineer and owner of Solar Winds Energy Resources, informed the commission that sometimes having these on the roof can capitalize on the way the wind moves over the roof. He also stated the fall zone is typically measured from the location of the base. He pointed out if the blades are larger than ten feet and the county only has a ten foot side yard requirement the commission may need to address that. Mr. Mason also noted the DNR completed a draft study on their phase one renewable energy task force, where they identified several wind zones within Washington County. He said he is exploring a couple different possibilities; therefore, he would like to follow what the county is doing pertaining to wind energy. He asked the commission to clarify what they were referring to when they said commercial wind energy system. Saying it could have two different meanings: 1) someone who wants to generate electricity commercially or 2) someone who owns a commercially zoned piece of property who wants to generate electricity for just his use. He added using the terms small wind and large wind versus commercial and residential will clarify the issue.

The Commission agreed the term “commercial” may be confusing and decided to replace it with “large wind energy system.” They then moved on to page 7 of 16 in the proposed ordinance to address large wind systems.

The commission agreed it would be a good idea to remove the entire wind overlay zone section because it was just too cumbersome to try to determine where the wind blows. They also said if anyone wants to have a large wind system they will do their own study.

The Planner explained the existing policy that will cover proposed annexation areas.

The commission does not think every wind system needs a conditional use permit if they meet the height restrictions, fall zone requirements and set backs.

Todd Edwards, County Engineer, expressed concern about deleting the wind overlay zone because it helps those interested in large wind systems to know where they can build; to have a zone where wind systems are a permitted use instead of having them all reviewed conditionally.

The commission still did not want to get involved with determining where wind energy systems would be the most effective.

The commission asked Bob Mason what areas had been identified as having potential for wind energy.

Bob Mason responded by saying a few areas had been identified including Anderson Junction, New Harmony Ridge and an area by Enterprise. They have been labeled A-C with A being very good and C being poor. He also said he has a client and he is running a study to see if the wind is viable for him and most people who know what they are doing aren't going to set up large systems without doing a study. He included the DNR has done a lot of studies and Moapa Valley power producers have done a study trying to see what areas of BLM land can produce electricity; they are interested in setting up MET towers. Mr. Mason clarified that MET towers do not generate electricity; they are just for taking readings.

The commission and staff discussed having a buffer zone to national parks and John Willie reminded them that the Land Use Bill approved by congress does not allow for buffer zones for national parks.

The commission discussed minimum lot size and decided if the applicant can meet the fall zone requirements, lot size doesn't matter. It was also noted that all wind energy systems do require a building permit and an electrical inspection and anyone doing net metering would be required by the power company to have the system approved by the county.

Commissioner Balen asked the Deputy Attorney her thoughts on the Iron County Ordinance and she said it has been tried and tested by Iron County, it is well drafted, and it has been well reviewed by the staff and planning commission.

The Planner added the Iron County ordinance was originally produced on the state level and Iron County amended it to meet their needs.

The Building Official added the biggest problem with wind energy systems he can foresee is a disapproving neighbor, so the ordinance needs be clear enough to establish permitted locations. The commission thought this ordinance would address that.

The commission returned to the discussion on large systems, addressing the visual appearance and determining legally people only have the right to the view directly above the property they own. They also decided to make the following changes to the proposed ordinance:

- Page eight (8) of the ordinance 17.34.040, paragraph A, "The notice shall be mailed by the County at least 10 days prior to the hearing, at the applicant's expense" shall be

replaced with, “ The notice shall be mailed by the applicant at least 10 days prior to the hearing, at the applicant’s expense.”

- On page twelve (12) delete the following: “avoiding visual corridors that are essential view sheds or scenic areas designated by the county.”
- Delete all of #7 on page thirteen (13) and replace it with a requirement to meet all state and federal guidelines.
- Page (15), 17.34.060, A. replace two consecutive years with one year.

Item # 4. DISCUSSION ITEM/ORDINANCE AMENDMENT. Review possible changes to Chapter 21 Wireless Communication Facilities issues on advertising, posting or other methods to notify adjacent property owners. County initiated

The Planner said this ordinance amendment is in keeping with suggestions from the commission at our previous work meeting. There may need to be changes to the notification process in areas where cellular towers are located. If the commission agrees, staff felt these changes could be reviewed by going directly to the advertising process for a hearing on the 9th of March.

The Deputy Attorney said she wants to look at the entire telecommunications ordinance rather than just notice requirements for wireless communication facilities. She suggested doing a pending ordinance on the next agenda, which will put telecommunications and wireless communications on hold for six months.

The commission agreed to look at this as a pending ordinance at a later date.

Item # 5. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on February 16, 2010. County initiated.

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Director; Tina Esplin, Washington County Water Conservancy District; Paul Wright, Department of Environmental Quality; and Robert Beers, Southwest Utah Public Health Department.

Excused: Ron Whitehead, Public Works Director; Kurt Gardner, Building Official; and Rachelle Ehlert, Deputy Civil Attorney

CONDITIONAL USE PERMIT EXTENSION.

A. Review extension on a 2nd dwelling for a family member within the OST-20 zone, generally located 2 miles north of Veyo. David & Lyne Morgan, applicants and Larry Andrews, agent.

This is the 4th extension. The planner explained that previously the applicant met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality on a private well. The property is accessed from Hwy 18 onto Veyo Rancho Rd., generally located north of Veyo and site plan meets all setback

requirements. Robert Beers, Southwest Utah Public Health Department, indicated that the septic tanks has been installed and approved. No permit has been issued as yet. **Staff felt the initial work that went into applying for the conditional use should be enough to keep the permit active, so they granted an extension of the Conditional Use for another year.**

B. Review extension to construct a 2nd dwelling for a family member on 20 acres, within the OST-20 zone west of Enterprise. Jeff T. Jacobsen, applicant.

The planner advised that this is a 3rd extension and the applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality of water from a private well. Dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 20 acres. The property is accessed from Hwy 144 to the Old Hebron Road. There was a mechanical inspection completed on July 30, 2009 by the Building Official Kurt Gardner. There are approximately four inspections left prior to completion. **Staff felt there should be no problem in granting an extension for the period of one (1) year.**

C. Request permission to build a 2nd dwelling for a family member within the OST-20 zone located on Oak Grove Drive north of Leeds. Gary Crocker, applicant and Gerald Whipple and Marty Friedel, agents.

The planner advised that this is an automatic annual review. The applicant previously submitted plans for a garage with living quarters, which would accommodate overflow when they had company. A site plan, verification on existing septic being sufficient to handle additional unit, and quantity and quality of water from a private well is adequate. There is an existing 12,500 gallon water tank with a 2 inch line to the main house and that line will be extended to the new unit. Second dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 74 acres. Building Inspector Henry Brannon inspected the home for a Final on February 12th, 2010, and the list of corrections included an anti tip on kitchen range, test smoke alarms, and fix pull out drawer in downstairs lavatory, so not to hit plumbing. With these being minor corrections, the staff felt they might be completed within the month. The property is accessed from Silver Reef Road to 2205 Oak Grove Dr, generally located north of Leeds. **Staff approved the Conditional Use Permit for another month, one (1) month.**

CONDITIONAL USE PERMIT.

A. Request permission to remodel a bonus room by adding a kitchenette (accessory dwelling) as a part of an existing home, within the RE-40.0 zone, located at 5760 N. 1850 West in Winchester Hills. Joe Schumacher, applicant.

The applicant has requested a kitchenette in a theater room on a remodel and addition to an existing structure, which is located at 5760 N. 1850 West, in Winchester Hills. The applicant submitted a site plan and floor plan, showing the addition of the kitchenette. The septic permit is approved for the main dwelling and is adequate for the two baths added and the bonus room (accessory dwelling). Robert Beers, Southwest Utah Public Health

Department indicated there would be no problem in adding the kitchenette. This meets the criteria set forth for accessory dwelling units and the casita portion is less than 900 square feet. The Conditional Use Permit was approved for one (1) year, subject to a building permit being issued by the Department of Building Safety.

Item # 6. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items. County initiated.

Action taken on Planning Items by the Washington County Commission on February 16, 2010, beginning at 4:00 p.m.: (a) Ordinance amendment to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 9, PD Planned Development Zone. County initiated.

The Planner said the County Commission approved this ordinance on PD zones based on the Planning Commissions recommendations

Item # 7. COMMISSION & STAFF REPORTS: General reporting on various topics. County initiated

Chairman Stucki said he would accept a motion to adjourn, with Commissioner Ford saying, “so moved” and Commissioner Cropper seconded by repeating, “so moved”. All six (6) commissioners voted aye.

There being no further business at 3:29 p.m., Chairman Stucki adjourned the meeting.

Darby Klungervik, Planning Secretary

